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DEPARTMENT FOR PRM AND EAP/MLS
BANGKOK ALSO FOR REFUGEE COORDINATOR HONNOLD
GENEVA FOR RMA

E.O. 12958: N/A

TAGS: [PREF](#) [PREL](#) [CB](#) [VM](#)

SUBJECT: C O R R E C T E D C O P Y (PARA. 10): CAMBODIA:
MONTAGNARD UPDATE, RESPONSE TO NGO ALLEGATIONS

REF: PHNOM PENH 1608

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1. (SBU) Summary. The Cambodian government (RGC) granted permission for a joint UNHCR expedition to Mondolkiri province to rescue Montagnards following approaches from the Ambassador and A/DCM. Separately, 14 Montagnards arrived directly at UNHCR's Phnom Penh office from Mondolkiri on September 15. Claiming to have evidence of payments from Montagnard activists in the U.S., police arrested a Vietnamese man (ethnic Khmer Krom) for smuggling Montagnards from Ho Chi Minh City to Phnom Penh by automobile. Assertions by Montagnard lobbyists that poor interpretation or Vietnamese agents have conspired to prevent Montagnards from gaining refugee status do not appear credible. From January to July of this year, Montagnard arrivals are up nearly 50% from the same period last year, totaling 170 (minus 30 who later proved to be Cambodians) this year. Direct arrivals are up over 50%. End Summary.

Seeking Montagnards in Mondolkiri

2. (SBU) In response to UNHCR's request for USG help in gaining access to Mondolkiri and during a September 13 courtesy meeting between MFA officials and visiting A/S Maura Harty, the Ambassador urged the Cambodian government (RGC) to permit UNHCR to travel to Mondolkiri province to investigate reports of recent Montagnard arrivals (reftel). MFA Secretary of State Long Visalo responded to the Ambassador

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that the RGC understood its obligations under the 1951 Refugee Convention and cooperated with UNHCR on joint missions to pick up Montagnards in the provinces. The RGC, he said, continued to respect the tripartite MOU as a guideline. The A/DCM followed up the same day with MOI Secretary of State Prum Sokha, who echoed Long Visalo's

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remarks concerning official RGC policy towards the Montagnards. Sokha, however, noted that implementation through the ranks of all MOI police officials was uneven. He acknowledged that the MOI was sometimes slow in responding to UNHCR requests. He underscored that the Montagnard is a difficult issue for the Cambodian government, noting Vietnamese concerns over the separatist agenda of some Montagnards. Sokha added that given the ethnic similarities between the Montagnards and Cambodian minority groups in

northeastern Cambodia, the RGC is concerned about the spread of separatist tendencies across the border. The RGC approved UNHCR travel to Mondolkiri immediately after these approaches, but has not yet arranged a date for the travel. UNHCR announced September 15 that 14 Montagnards who had been hiding in Mondolkiri arrived directly at its Phnom Penh office on that date. There are currently 272 Montagnards in UNHCR's Phnom Penh sites.

Police Arrest Montagnard Smuggler

13. (U) On September 5. Phnom Penh police arrested a Vietnamese man, Lam Nguyen, an ethnic Khmer Krom, whom they accused of driving three Montagnards from Ho Chi Minh City in an automobile. He reportedly admitted to bringing at least seven Montagnards to UNHCR in Phnom Penh and receiving thousands of dollars for the service. Police told the press they had confiscated Western Union money transfer receipts showing the transfer of funds from Montagnard activists in the U.S. to pay the suspect to smuggle asylum seekers. UNHCR said Lam Nguyen applied for asylum as a Montagnard on September 5; however, UNHCR determined that he was not a Montagnard and rejected him.

Comments on NGO Claims

14. (SBU) In a September 11 meeting with PRM A/S Sauerbrey, Kay Reibold of the Montagnard Development Project and members of the Montagnard human rights organizations made a number of assertions regarding UNHCR and the processing of Montagnards. UNHCR has heard all these allegations in the past from Montagnard advocacy groups. The following are post's comments on those assertions relating to UNHCR processing in Cambodia.

-- Claim: Montagnards are not fleeing for economic reasons; they are fleeing intense persecution. Comment: While this is probably best answered by posts in Vietnam, UNHCR has noted that their staff are trained to formulate their lines

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of questioning to look for a claim; doubts are resolved in the favor of the applicant. In addition, staff are sensitive to the relatively low levels of education among most applicants and interpreters word their questions simply, and in multiple ways. For instance, in assessing police harassment or possible detention, UNHCR will ask a series of questions regarding the police, including asking if the police have visited their residences, requested the applicant to come by the police station, has the applicant ever seen the inside of police station, etc.-- and not simply ask one question regarding whether or not they have been arrested. There are multiple opportunities to assess claims of persecution.

-- Claim: UNHCR does not have qualified interpreters to interview Montagnards resulting in the denial of refugee status to bona fide refugees. Comment: Interpretation is often cumbersome at UNHCR; sometimes interviewers must go from English to Vietnamese to an ethnic minority language and back again. Nevertheless, UNHCR has been doing this work long enough (at least five years) that the process is by now routine and problems are not insurmountable. There are sufficient interviews and reviews of applications that the likelihood of anyone being rejected due to language interpretation difficulties is exceedingly small. In addition, UNHCR provides at each site comment boxes (that are opened by an international staff member, not the local staff) to review any complaints or pass a message to the international staff. UNHCR staff add that they routinely conduct a second look at all rejected applicants, even for those who have not requested an appeal to ensure they are not overlooking legitimate claimants.

-- Claim: At least one of the UNHCR staff in Cambodia is ethnic Vietnamese and an agent of the GVN whose job is to send people back. Comment: None of the expatriate staff who have power to make decisions on refugee status determination is Vietnamese. UNHCR has no reason to keep such a person on its staff and would immediately dismiss any such person if UNHCR were aware of him/her. The Montagnard lobbyists have made this charge in the past, according to UNHCR, which had asked for specific information so that UNHCR could investigate; no one provided anything. UNHCR has conducted objective investigations of staff malfeasance in the past.

-- Claim: The GVN has planted persons among the asylum seekers to coach them with wrong answers so that UNHCR will deny them refugee status. Comment: According to UNHCR staff, the evidence is to the contrary; i.e., Montagnard lobbyists have attempted to coach the Montagnards so that they will be able to obtain refugee status. UNHCR noted that sometimes during an appeal process, a claimant's story would completely change and be more consistent with an asylum claim -- thereby leading to the suspicion that person had been coached to change his/her story. There is sufficient communication among the Montagnard asylum seekers that a person coaching wrong answers would be quickly identified by the group. That said, it is plausible that the GVN has planted agents among the asylum seekers so that they will be able to monitor the activities of Montagnard activists in the U.S.

Profile of Montagnard Arrivals

15. (U) UNHCR has drafted an analysis of Montagnard arrivals between January and July of this year. There were 170 arrivals in Cambodia during this period compared to 99 during the same period last year, although 30 of the arrivals in 2006 were later identified as Khmer nationals. Of the 140 Montagnards, 98 came from Gia Lai, 20 from Dak Lak, 16 from the new province of Dak Nong and one from Lam Dong. Five children were born in Phnom Penh. Almost all of the 2006 arrivals sought asylum based on claims of persecution rather than family reunion.

16. (U) There were 49 direct arrivals in Phnom Penh compared to 31 in 2005. UNHCR attributed the increase partly to sometimes lengthy delays in sending joint missions to the provinces due to slow response time from the RGC. UNHCR suggested that a contributing factor might be the improved communication between Montagnards in Vietnam and those in the U.S. The NGOs Human Rights Watch (HRW) and Jesuit Refugee Service (JRS) have also been increasingly involved in escorting direct arrivals to UNHCR. HRW and JRS facilitated

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seven of the nine groups of direct arrivals during this period.

17. (SBU) UNHCR conducted refugee status determination (RSD) on 55% of the 140 arrivals by the end of July. Of these, 17% qualified as refugees, while 38% were rejected, though some of these had appeals pending. UNHCR found significant differences among ethnic groups in qualifying as refugees. Among the Jarai, the largest group of asylum seekers, only 14 of 101 obtained refugee status. Smaller ethnic groups tended to have stronger claims. UNHCR believed that at least half of the 20 Ede arriving in 2006 would qualify. Four of the 16 Mngong arrivals have qualified and most of the others appear to have strong cases. All of the arrivals in recent years from the smallest ethnic groups (Bahnar, Lach and Koho) have been screened in. Not surprisingly, UNHCR found that those who qualified had significantly higher levels of political and religious activity than those screened out. Almost all experienced arrest and detention by Vietnamese authorities. Some were screened in because of repeated contacts with Montagnards in the U.S. to report on the situation in the central highlands.

Option 2 and UNHCR/Phnom Penh's Budget

¶18. (U) UNHCR reports that their Phnom Penh office budget will undergo a 40 percent reduction in the coming year, and the office will be forced to reduce its international and local staffing as a result. The budget cut was part of the reason UNHCR proposed that the USG do the initial Montagnard RSD screening rather than UNHCR. Even if the budget were not a factor, UNHCR finds it difficult to justify housing and feeding screened out Montagnards who are not recognized refugees and who should be returned to Vietnam under the Tripartite MOU.

Comment

¶19. (SBU) UNHCR was not surprised by the allegations; they had heard them all before and had well-reasoned responses. Moreover, they stressed that UNHCR is very flexible with Montagnard applications, understanding well the USG policy undercurrents. They opined that they note a strain of desperation in recent criticism of UNHCR by those in the Montagnard advocacy community. UNHCR attributes this to an inability on the part of those who have made a career out of condemning the GVN to come to grips with greater GVN cooperation on monitoring visits and access to the Central Highlands by UNHCR and diplomatic missions.

¶10. (SBU) Comment continued. We remain opposed to the USG assuming the primary RSD role from UNHCR in processing Montagnards. Despite assertions that there will be no pull factor, we believe it's already occurring, with this year's arrivals already exceeding those from the same period in ¶2005. We sympathize with UNHCR staff, who feel trapped between a USG policy favoring Montagnards, and special interest groups in the U.S. with an agenda directed towards internal Vietnamese politics. Nevertheless, we do not support changing USG policy in a way that could be detrimental to our bilateral relationship with the Cambodian government. We believe that increased Montagnard arrivals will prove an irritant with the RGC, although post will continue to impress upon Cambodian officials the need to adhere to their stated policy vis-a-vis Montagnards. The RGC is well aware that the numbers of legitimate refugees have declined significantly since 2004, fraudulent applications are up, as are NGO-assisted direct arrivals. End Comment.
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